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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff.

v.

Case:2:16-cr-20318
Judge: Battani, Marianne O.
MJ: Majzoub, Mona K.
Filed: 05-03-2016 At 01:35 PM
INDI USA v GARRETT, ET AL (dat)

D-1 JUSTIN SIVAN GARRETT
D-2 TAMECA NICHOLE TONEY,

Defendants.

_____ /

INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

Definitions

At all times pertinent to this Indictment:

1. **Access device** means any card, account number, personal identification number, or other means of account access which can be used, alone or in conjunction with another access device, to obtain money, goods, services or other things of value, or can be used to initiate a transfer of funds.

2. **Unauthorized access device** means any access device that is lost, stolen, expired, revoked, canceled, or obtained with intent to defraud.
3. **IP Address:** An Internet Protocol address (IP address) is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range of 0 to 255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination.

COUNT ONE

(18 U.S.C. §1349 – Conspiracy to Commit Wire Fraud)

D-1 JUSTIN SIVAN GARRETT

D-2 TAMECA NICHOLE TONEY

4. The General Allegations are incorporated into this count by reference.
5. From February 2014 through September 2014, those dates being approximate, in the Eastern District of Michigan, Southern Division, and elsewhere, JUSTIN SIVAN GARRETT (D-1) and TAMECA NICHOLE TONEY (D-2) knowingly, willfully, and

unlawfully combined, conspired, and agreed with each other, and with others known and unknown to the Grand Jury, to commit Wire Fraud, in violation of 18 U.S.C. § 1343.

6. GARRETT and TONEY devised and executed a scheme to defraud and to obtain money and property by means of material false and fraudulent pretenses, representations, and promises.
7. In furtherance of their scheme, and to accomplish its goals, the conspirators used stolen credit card numbers to apply for insurance policies through Progressive Insurance's website. They in turn sold those policies to individuals who needed them to show proof of insurance for car registration purposes or for other reasons.
8. An internal investigation conducted by Progressive Insurance (Progressive) revealed that approximately 863 insurance policies were purchased from IP address 107.140.12.126 between February 5, 2014 and September 30, 2014. A total of 779 credit account numbers were used to purchase these policies for over \$659,174.

9. IP address 107.140.12.126 was registered to defendant TONEY (D-2) at a residence in River Rouge, Michigan. TONEY (D-2) lived there with GARRETT (D-1). TONEY also used phone number 313-651-6914 to call Progressive posing as customers needing insurance.
10. TONEY had a Progressive insurance policy in her name in January 2012 which was later cancelled because it was purchased with a fraudulent credit card number.
11. During the execution of a search warrant at the residence of GARRETT and TONEY in River Rouge, investigators recovered the following items:
 - i. \$2,500 in United States currency;
 - ii. Progressive Insurance documents;
 - iii. HP laptop computer, HP desktop computer, and multiple cell phone devices;
 - iv. Hand written notes of thirty three (33) individuals' names, dates of birth, and social security numbers;
 - v. Hand written notes for Progressive policy #902547611 for K.H. and Progressive policy #902502002 for T.G. Progressive's internal investigation showed that these policies were purchased with fraudulent credit card numbers.

12. A forensic examination of the laptop seized during the above search warrant revealed the presence of the following:

- i. More than 100 fraudulently obtained Progressive insurance policies;
- ii. Usage of the IP address 107.140.12.126, including numerous visits to www.progressive.com;
- iii. Pictures of TONEY (D-2) and GARRETT (D-1);
- iv. A software program called Easy Credit Card Checker which is typically used to input credit card accounts and determine their validity;
- v. Skype chat profile of Justin.garrett66 with GARRETT's date of birth in the profile;
- vi. Twitter activity from @TamecaToney and Internet visits to www.facebook.com/tameca.toney; and
- vii. Personal information of TAMECA TONEY and JUSTIN GARRETT to include full name, address, phone number, and email.

13. A forensic examination of a Huawei cell phone seized during the above search warrant revealed the presence of the following:

- i. Numerous references to the name "Justin";
- ii. Numerous text messages from TAMECA TONEY (313-651-6914) discussing names, dates of birth, driver's license numbers, vehicle VIN #'s, and vehicle descriptions;
- iii. A text message dated 08/28/14 from 313-xxx-9557 which reads: "Hey Justin I got someone that need some insurance";
- iv. A text message dated 08/29/14 from TONEY to GARRETT which reads: "W425 488 609 891".

Investigation later revealed that this driver's license number was used to fraudulently obtain Progressive insurance policy #903651010 purchased on 08/29/14;

- v. A text message dated 09/02/14 from 313-xxx-6031 which reads: "Hey Justin. This is Jonnae. The insurance you got em expired in July and I need to renew my tags and I was wondering if I could catch up with you today";
- vi. A text message dated 09/08/14 from TONEY to GARRETT which reads: "Vxxxxxx Kxxx K120 xxx 025 xxx" (letters and numbers replaced by "x" in this Indictment to protect a third party's identity). This driver's license number was used to fraudulently obtain Progressive insurance #903714048 purchased on 09/08/14; and
- vii. Other text messages discussing information of individuals seeking insurance policies, of the same nature and similar content of the text messages detailed above.

- 14. GARRETT and TONEY caused the transmission of a wire in interstate commerce every time they used the computer to purchase fraudulent insurance policies. They also caused such wire transmission whenever they communicated with each other via text messages or phone calls.
- 15. All in violation of Title 18, United States Code, Section 1349.

COUNT TWO

(18 U.S.C. §§ 1029(a)(5) and 2 - Production, Use or Trafficking in Unauthorized Access Devices, Aiding and Abetting)

D-1 JUSTIN SIVAN GARRETT

D-2 TAMECA NICHOLE TONEY

16. The allegations in paragraphs 1 through 14, above, are incorporated into this count by reference.
17. From February 2014 through September 2014, those dates being approximate, in the Eastern District of Michigan, Southern Division, and elsewhere, JUSTIN SIVAN GARRETT (D-1) and TAMECA NICHOLE TONEY (D-2) knowingly and with the intent to defraud, effected transactions, or aided and abetted others in effecting transactions, with one or more access devices issued to another person or persons, to receive payment or any other thing of value during any one year period, the aggregate value of which is equal to or greater than \$1,000, in a manner affecting interstate commerce.
18. All in violation of Title 18, United States Code, Sections 1029(a)(5) and 2.

FORFEITURE ALLEGATIONS

19. Pursuant to Fed.R.Cr.P. 32.2(a), the government hereby provides notice to the defendant of its intention to seek forfeiture of all proceeds, direct or indirect, or property traceable thereto; all property that facilitated the commission of the violations alleged, or property traceable thereto; and all property involved in, or property traceable thereto, of the violations set forth in this Indictment.

THIS IS A TRUE BILL.

/s/ Foreperson of the Grand Jury
FOREPERSON OF THE GRAND JURY

BARBARA L. McQUADE
United States Attorney

/s/ Abed Hammoud
ABED HAMMOUD
Assistant U.S. Attorney
211 W. Fort, Suite 2001
Detroit, Michigan 48226
(313) 226-9524
abed.hammoud@usdoj.gov

/s/ John K. Neal
JOHN K. NEAL
Assistant U.S. Attorney
Chief, White Collar Crime Unit

Dated: May 3, 2016

United States District Court
Eastern District of Michigan

Criminal Case Cover

Case: 2:16-cr-20318

Judge: Battani, Marianne O.

MJ: Majzoub, Mona K.

Filed: 05-03-2016 At 01:35 PM

INDI USA v GARRETT, ET AL (dat)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 []

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <i>AM</i>

Case Title: USA v. D-1 JUSTIN SIVAN GARRETT, D-2 TAMECA NICHOLE TONEY

County where offense occurred : WAYNE COUNTY

Check One: ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

☒ Indictment/___ Information --- **no** prior complaint.
☐ Indictment/___ Information --- based upon prior complaint [Case number: _____]
☐ Indictment/___ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ **Judge:** _____

- ☐ Original case was terminated; no additional charges or defendants.
☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name

Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

May 3, 2016

Date

Abed Hammoud

 Abed Hammoud
 Assistant United States Attorney
 211 W. Fort Street, Suite 2001
 Detroit, MI 48226-3277

Phone: (313) 226-9524

Fax: (313) 226-2873

E-Mail address: Abed.Hammoud@usdoj.gov

Attorney Bar #: P54908

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.